

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TERESA SPAGNA,

Plaintiff,

vs.

DANIEL W. TIFT, JONAH M. BUSS, CODY
M. CASPER, ALAN J. ANDERSON, and
DAVID MELER, individually and as agents of
Phi Kappa Psi Fraternity, Inc. and the Nebraska
Beta Chapter of Phi Kappa Psi Fraternity; and
NEBRASKA BETA CHAPTER OF PHI
KAPPA PSI FRATERNITY, an unincorporated
association;

Defendants.

8:19CV481

ORDER

This matter is before the Court upon Plaintiff's Motion for to Serve Defendant Nebraska Beta Chapter of Phi Kappa Psi Fraternity by Publication ([Filing No. 182](#)). Plaintiff requests a court order directing that service be had upon the defendant Chapter by publication in The Daily Record of Omaha, once a week for three successive weeks. Upon the Court's review of the motion and affidavit ([Filing No. 182-1](#)) the Court finds Plaintiff has demonstrated that service upon the defendant Chapter cannot be made with reasonable diligence by other methods provided by statute, and finds good cause to extend Plaintiff's time to serve the defendant Chapter under [Fed. R. Civ. P. 4\(m\)](#). Therefore, the Court will permit Plaintiff to serve the defendant Chapter by publication in the manner and form provided by the statutes of the State of Nebraska, as permitted by [Fed. R. Civ. P. 4\(h\)](#) and [4\(e\)\(1\)](#). See [Neb. Rev. Stat. § 25-517.02](#). Accordingly,

IT IS ORDERED that Plaintiff's Motion for to Serve Defendant Nebraska Beta Chapter of Phi Kappa Psi Fraternity by Publication ([Filing No. 182](#)) is granted, and that service upon Defendant Nebraska Beta Chapter of Phi Kappa Psi Fraternity may be made by publication in the manner and form provided by the statutes of the State of Nebraska, as authorized by [Federal Rule of Civil Procedure 4\(h\)](#) and [\(e\)\(1\)](#). Plaintiff is granted an extension of time under [Fed. R. Civ. P. 4\(m\)](#) to accomplish such service.

Dated this 1st day of October, 2020.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge